

## Q&A With Crowell & Moring's George Ruttinger

Law360, New York (September 30, 2010, 11:25 AM ET) -- George D. Ruttinger is a partner and chairman of the government contracts group in the Washington, D.C., office of Crowell & Moring LLP. He has represented government contracts clients in state and federal courts, arbitration proceedings, minitrials, mediations and boards of contract appeals.

Ruttinger is a litigator and trial lawyer who has successfully represented clients in complex antitrust litigation, mass torts cases and international arbitration. He has also done pro bono work, serving as general counsel for the Equal Rights Center, a rights enforcement and community outreach organization in the D.C. area, and co-chair of the Washington Lawyers Committee for Civil Rights and Urban Affairs.

### **Q: What is the most challenging case you've worked on, and why?**

A: Many years ago, I represented Emery Worldwide Airlines Inc. in a federal district court challenge to award by the U.S. Postal Service to a competing carrier of a billion-dollar contract for express mail service. We filed the case in September, took fact and deposition discovery in October and November, filed summary judgment motions just before Thanksgiving and obtained a permanent injunction against award of the contract in December, just three months after the suit was filed.

The end result was award of the contract to our client. Needless to say, litigating a billion-dollar case in the space of three months was a major challenge that totally consumed the energies of our entire team for that period, but with a very rewarding result.

### **Q: What accomplishment as an attorney are you most proud of?**

A: I represented Harris Corporation in a suit brought by a Baltimore-area subcontractor asserting claims for breach of contract, fraud and various torts arising out of Harris' termination for default of a subcontract to develop programs to test avionics equipment for the F-18 naval aircraft.

Harris terminated the subcontract after the CEO of the sub's parent company decided to stop work in an effort to force Harris to pay some pending claims. The case was brought in federal court in Baltimore, and the subcontractor was represented by a leading Baltimore litigation firm.

Before trial, we obtained summary judgment on the subcontractor's tort claims, which carried damage claims of several hundred million dollars and went to trial on the breach of contract claims totaling over \$20 million.

The case was scheduled for a seven-week jury trial. However, after I cross-examined the CEO of the subcontractor's parent company and its damages experts, the plaintiff's counsel approached me and offered to settle the case for zero damages if Harris would agree to help the subcontractor pursue a much smaller claim against the Navy for problems caused by Navy changes to the subcontract requirements. This "walkaway" settlement of a jury trial after several years of litigating claims that once totaled several hundred million dollars was a very rewarding result.

**Q: What aspects of law in your practice area are in need of reform, and why?**

A: Recent legislative initiatives have been hostile to government contractors, including amendments to the False Claims Act that facilitate parasitic suits by whistleblowers based upon little more than conjecture regarding alleged fraud.

If the pendulum does not swing in the direction of contractors, companies that are contemplating entering the government contracts market will be deterred from doing so, to the detriment of the U.S. government and the taxpayer.

**Q: Where do you see the next wave of cases in your practice area coming from?**

A: Given the trend toward increased federal contracting with firms based in Iraq, Afghanistan and Pakistan; and the unfamiliarity of those contractors with government contracting rules and regulations, there has already been an upswing in litigation involving such issues as terminations and false claims. I anticipate a continuation of this trend.

**Q: Outside your own firm, name one lawyer who's impressed you and tell us why.**

A: John Chierichella of Sheppard Mullin Richter & Hampton LLP (who is a former partner of mine) is a full-package lawyer — smart, aggressive and practical.

**Q: What advice would you give to a young lawyer interested in getting into your practice area?**

A: I did not know anything about government contracts before I became a practitioner in that field. I found that it combines most of what I find rewarding about practicing law — government policy issues, tough analytical challenges, high stakes and (often fast-paced) litigation. So, for those young lawyers who don't know about the practice area, my advice is to give it a chance. And look for a firm (like ours) where the lawyers take their practice seriously but don't take themselves too seriously.